## II. Listing of the Claims

This listing of the claims will replace all prior versions, and listings, of claims in the application:

1. (Previously Presented) A prosthetic device for longitudinal insertion into an intervertebral space defined between a pair of spondylosed vertebrae, comprising:

a first component, comprising:

a first flange longitudinally extending along a first bearing surface; and

a projection extending from a first articular surface, the projection being offset relative to the first articular surface; and

a second component adapted to be engaged with the first component, comprising:

a second flange longitudinally extending along a second bearing surface, the second flange being substantially aligned with the first flange upon engagement of the second component with the first component; and

a recess formed in a second articular surface, the recess being offset relative to the second articular surface thereby accommodating a spondylosed relationship between a first vertebra and a second vertebra adjacent to the first vertebra;

wherein the projection and the recess engage one another to provide for articulating motion between the first and second components.

2. (Original) The prosthetic device of claim 1 wherein the first and second flanges each comprise at least one hole therethrough.

3. (Original) The prosthetic device of claim 1 wherein the first and second bearing surfaces are each coated with a bone-growth promoting substance and wherein the first and second bearing surface are adapted to engage the first and second vertebrae, respectively.

4. (Original) The prosthetic device of claim 1 wherein the first and second flanges are each coated with a bone-growth promoting substance.

5. (Original) The prosthetic device of claim 1 wherein the first and second flanges each comprise a sharp portion for penetrating the first and second vertebrae, respectively.

6. (Original) The prosthetic device of claim 1 wherein the first and second components are formed of a cobalt-chrome-molybdenum metallic alloy.

7. (Original) The prosthetic device of claim 1 wherein the first and second components each comprise at least one notch formed longitudinally therein for receiving a surgical instrument.

8. (Original) The prosthetic device of claim 1 wherein the projection is a convex portion and the recess is a concave portion.

9. (Original) The prosthetic device of claim 1 wherein the first component comprises an additional flange longitudinally extending along the first bearing surface.

10. (Original) The prosthetic device of claim 1 wherein the second component comprises an additional flange longitudinally extending along the second bearing surface.

11. (Withdrawn) The prosthetic device of claim 1 wherein the first flange comprises a laterally-extending portion, the laterally-extending portion being substantially parallel with the first bearing surface.

12. (Withdrawn) The prosthetic device of claim 1 wherein the second flange comprises a laterally-extending portion, the laterally-extending portion being substantially parallel with the second bearing surface.

13. (Currently Amended) A prosthetic device for insertion into an intervertebral space, comprising a first component having a means for longitudinally engaging a first vertebra during longitudinal insertion therein, and a second component having a means for longitudinally engaging a second vertebra during longitudinal insertion therein, wherein one of the first and second components comprises a projection and the other of the first and second components comprises a recess, the projection and recess being adapted to engage one another, and wherein one of the projection and the recess is offset relative to the other of the projection and the recess to accommodate a spondylosed relationship between the first and second vertebrae.

14. (Original) The prosthetic device of claim 13 wherein the projection is offset in a first direction and the recess is offset in a second direction substantially opposite to the first direction.

15. (Original) The prosthetic device of claim 13 wherein the first and second means for longitudinally engaging the first and second vertebrae, respectively, are longitudinally-extending flanges.

16. (Original) The prosthetic device of claim 15 wherein the first component further comprises a first bearing surface in an opposed relation to a first articular surface, the first bearing surface being adapted to engage the first vertebra.

17. (Original) The prosthetic device of claim 16 wherein the first flange extends along the first bearing surface.

18. (Original) The prosthetic device of claim 16 wherein one of the projection or the recess is formed on the first articular surface.

19. (Original) The prosthetic device of claim 15 wherein the second component further comprises a second bearing surface in an opposed relation to a second articular surface, the second bearing surface being adapted to engage the second vertebra.

20. (Original) The prosthetic device of claim 19 wherein the second flange extends along the second bearing surface.

21. (Original) The prosthetic device of claim 19 wherein one of the projection or the recess is formed on the second articular surface.

22. (Original) The prosthetic device of claim 15 wherein the first and second flanges each comprise at least one hole therethrough.

23. (Original) The prosthetic device of claim 16 wherein the first bearing surface and the first flange are each coated with a bone-growth promoting substance.

24. (Original) The prosthetic device of claim 19 wherein the second bearing surface and the second flange are each coated with a bone-growth promoting substance.

25. (Original) The prosthetic device of claim 15 wherein the first and second flanges each comprise a sharp portion for penetrating the first and second vertebrae, respectively.

26. (Original) The prosthetic device of claim 14 wherein the first and second components are formed of a cobalt-chrome-molybdenum metallic alloy.

27. (Original) The prosthetic device of claim 14 wherein the first and second components each comprise at least one notch formed longitudinally therein for receiving a surgical instrument.

28. (Original) The prosthetic device of claim 14 wherein the projection is a convex portion and the recess is a concave portion.

29. (Original) The prosthetic device of claim 15 wherein the first component comprises an additional flange longitudinally extending along the first bearing surface.

30. (Original) The prosthetic device of claim 15 wherein the second component comprises an additional flange longitudinally extending along the second bearing surface.

31. (Withdrawn) The prosthetic device of claim 15 wherein the first flange comprises a laterally-extending portion, the laterally-extending portion being substantially parallel with the first bearing surface.

32. (Withdrawn) The prosthetic device of claim 15 wherein the second flange comprises a laterally-extending portion, the laterally-extending portion being substantially parallel with the second bearing surface.

33. (Withdrawn) An arrangement for stabilizing a portion of a spondylosed spinal column, comprising:

a prosthetic articulating device adapted to engage adjacent spondylosed vertebral bodies, the prosthetic articulating device comprising a first component and an offset second component, the first and second components cooperating to permit articulating motion between the first and second components; and

an artificial ligament disposed adjacent to the prosthetic articulating device wherein the artificial ligament engages each of the vertebral bodies.

34. (Withdrawn) The arrangement of claim 33 wherein the artificial ligament is a woven implant.

35. (Withdrawn) The arrangement of claim 33 further comprising a screw member for repairing a pars fracture associated with the spondylosed vertebral bodies.

36. (Withdrawn) The arrangement of claim 35 wherein the screw member is a lag screw.

37. (Currently Amended) A method for correcting spondylolisthesis from an anterior approach, comprising

providing a prosthetic device having a first articular component with an offset projection, and a second articular with an offset recess adapted to engage with the offset projection, and

longitudinally inserting the first articular component into a first vertebra and

longitudinally inserting the second articular component into a second vertebra, the second vertebra being adjacent to and in a spondylosed relationship with the first vertebra.

38. (Original) The method of claim 37 wherein the projection extends from a surface of the first articular component, the projection being in an offset position relative to the surface of the first articular component.

39. (Original) The method of claim 37 wherein the recess is formed in a surface of the second articular component, the recess being in an offset position relative to the surface of the second articular component and being offset in a substantially opposite direction relative to the projection of the first articular component.

## III. Remarks

Claims 1-39 were previously pending, of which claims 11, 12, and 31-36 have been withdrawn for being directed to a non-elected species. Reconsideration of claims 1-10, 13-30, and 37-39 is requested in light of the above amendments and the following remarks.

**Oath/Declaration**

The declaration was objected to because of inclusion of the word "the." In particular, it has been requested that "material to the patentability" be changed to "material to patentability." However, Applicants assert that the declaration as submitted satisfies the requirements of 37 CFR 1.63. Simply put, the inclusion or exclusion of the word "the" does not change the meaning of the statement set forth in the oath. In that regard, 37 CFR 1.63 requires that "the person making the oath or declaration acknowledge[] the duty to disclose to the Office all information known to the person to be material to patentability as defined in §1.56." However, even in 37 CFR 1.56 "material to patentability" and "material to the patentability" are used interchangeably. For example, 37 CFR 1.56(a) recites in part:

> "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by § § 1.97(b)-(d) and 1.98." (emphasis added)

Accordingly, Applicants assert that the use of "material to the patentability" satisfies the requirements of the 37 CFR 1.63. Therefore, Applicants request that the original oath be accepted as filed.